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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,696	04/04/2001	Benham Azvine	36-1443	5934

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Nixon & Vanderhye
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

DALENCOURT, YVES

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,696

Applicant(s)

AZVINE ET AL.

Examiner

Yves Dalencourt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is responsive to communication filed on 04/04/01.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, " means " (page 68, lines 8, 10, 12, 13, and 17) is implied and should be avoided.

The abstract should be in a single paragraph.

Please delete " Figure (17a) at the bottom of page 68.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claim 1 is objected to because of the following informalities: It is suggested to delete "identifying " (claim 1, line 14) and insert – identification --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 10, the limitation of "categorizing means for categorizing the first communication and recommending an action based on the categorization (claim 1, lines 7 – 8; claim 10, lines 6 – 7) is confusing. It is not clear how the first communication should be characterized in order for the recommendation to be made. Therefore, one skilled in the art would not know how to make and/or use the invention.

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Regarding claim 11, the limitations of "propagating the first communication through the categorising means on the basis of the identification information; examining an output from the categorising means, which output includes an array of response identifiers corresponding to times for response; and extracting a response identifier corresponding to the highest value in said array (claim 11) are also confusing since they derived from the categorizing means mentioned above.

Claims 2 – 9 and 11 – 13, and 15 – 18 are necessarily rejected as being dependent upon the rejection of claims 1 and 10.

Claims 1 – 18 are rejected with art as best understood by the examiner

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 6, 10 – 13, and 17 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunil Paul (US 6,052,709; hereinafter Paul).

Regarding claims 1, 10, and 17, Paul teaches an apparatus and a method for processing communications received by a user over a communications link, which communications include identification information (fig. 1; col. 5, lines 1 - 5), the apparatus comprising an input for communications (208, fig. 2; col. 5, lines 5 – 9; col. 6. lines 32 – 43); extracting means for extracting identification information associated with a first communication received at the input (paragraph bridging col. 3, line 63 through col. 4, line 4; col.5, lines 15 - 20); categorising means for categorising the first communication and recommending an action based on the categorisation

(paragraph bridging col. 5, line 63 through col. 6, line 4; col. 7, lines 37 - 41); means for monitoring user response to the first communication (col. 1, lines 61 - 67); modifying means for modifying the categorising means in accordance with a monitored user response to the first communication (col. 6, lines 10 - 16; paragraph bridging col. 5, line 63 through col. 6, line 16), such that when a second communication having identifying information matching that of the first communication is received, the monitored user response is recommended by the categorising means (col. 6, lines 44 - 57; col. col. 7, lines 15 - 36).

Regarding claim 2, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the extracting means includes comparing means for comparing the identification information with predetermined identification information (col. 7, lines 21 - 25).

Regarding claim 4, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein each of the first and second communications is either one of an email or a telephone call (col. 5, lines 1 - 9).

Regarding claim 5, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the identification information includes at least one of a subject of the email; an address of a sender of the email; a recipient list of the email; and/or a calling line identifier (col. 5, lines 10 - 19).

Regarding claim 6, Paul teaches an apparatus for processing communications received by a user over a communications link, wherein the comparing means is operable to compare a subject with a predetermined list of subjects (col. 6, lines 44 - 57).

Regarding claims 11 - 13, Paul teaches a method for processing communications received by a user over a network, in which said categorizing step includes the steps of propagating the first communication through the categorising means on the basis of the identification information; examining an output from the categorising means, which output includes an array of response

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identifiers corresponding to times for response; and extracting a response identifier corresponding to the highest value in said array (col. 7, lines 8 – 65).

Regarding claim 18, Paul teaches a computer program placed on a carrier, which carrier includes a hard disk drive storage medium (206, fig. 4; col. 6, lines 26 – 29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 7 - 9, and 14 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunil Paul (US 6,052,709; hereinafter Paul).

Regarding claim 3, Paul teaches all the limitations in claim 2, but fails to explicitly teach that the extracting means utilizes fuzzy logic. However, the examiner takes Official Notice that utilizing a fuzzy logic to extract information or data is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Paul's device by using a fuzzy logic to extract information or data for the purpose of determining the category to which a message is assigned based on its ranking.

Regarding claims 7 and 8, Paul teaches all the limitations in claim 1, but fails to explicitly teach that the categorizing means includes a Bayes net (claim 7); and wherein the Bayes net is operable to output an array of values indicative of a priority status for the communication (claim 8). However, the examiner takes Official Notice that utilizing a categorizing means that includes a Bayes net, which is operable to output an array of values indicative of a priority status for the communication is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Paul's device by using a Bayes net, as reasoning engine for the purpose of browsing history and demographical information.

Regarding claim 9, Paul teaches all the limitations in claim 1, but fails to explicitly teach means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic message transmission, a predetermined message is automatically returned in response to the communication.

However, the examiner takes "**Official Notice**" that having an apparatus comprising means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic message transmission, a predetermined message is automatically returned in response to the communication is well known in the art using an e-mail software package such as Microsoft Outlook, Microsoft Exchange to name a few.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use means for automatic message transmission, such that when a communication is received from a sender that has been identified for automatic message transmission, a predetermined message is automatically returned in response to the communication in Paul's device for the purpose of enabling a user to manage his/her mailbox in a friendly manner.

Regarding claims 14 - 16, Paul teaches all the limitations in claim 1, but fails to explicitly teach that a diary for logging availability status with respect to a user, said categorising means being triggered by a received communication to review a user's availability status and to base a

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recommended response with respect to the received communication at least in part on said availability status.

However, the examiner takes “ **Official Notice** ” that having a diary for logging availability status with respect to a user, said categorising means being triggered by a received communication to review a user's availability status and to base a recommended response with respect to the received communication at least in part on said availability status is old and well known in the art.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Paul by having a diary for logging availability status with respect to a user, said categorising means being triggered by a received communication to review a user's availability status and to base a recommended response with respect to the received communication at least in part on said availability status for the purpose of allowing a user to store and retrieve scheduling information from memory.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shaffer et al (US Patent Number 6,094,681) discloses an apparatus and method for automated event notification.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

Y.D.
August 9, 2004


SALEH NAJJAR
PRIMARY EXAMINER